

St. John's (Nfld.). Chamber of Commerce.
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Petition

OF THE

CHAMBER OF COMMERCE

OF

ST. JOHN'S, NEWFOUNDLAND,

TO

THE QUEEN'S
Most Excellent Majesty,



1838.

*Similar Petitions are forwarded to both
Houses of Parliament*

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TO THE QUEEN'S MOST EXCELLENT
MAJESTY.

THE HUMBLE PETITION OF THE CHAM-
BER OF COMMERCE, OF ST. JOHN'S,
NEWFOUNDLAND.

May it Please Your Majesty:

WE, your Majesty's dutiful and loyal sub-
jects, the Chamber of Commerce of St. John's,
in the Island of Newfoundland, approach Your
Majesty with feelings of the most sincere devo-
tion to Your Majesty's Throne and Person.

We are impressed with the conviction that no
part of Your Majesty's widely-spread Dominions
is too remote or insignificant to prevent Your
Majesty regarding with concern the grievances
of Your loyal subjects therein, and affording that
redress which the nature of their complaints re-
quire.

The Chamber of Commerce of St. John's, is
composed of thirteen Mercantile men, elected
by ballot from the General Commercial Society

of the place; and is intended to represent the Trade, and to foster and protect its interests.

Though established for many years, the Chamber has sedulously avoided all interference with, or the expression of any opinion upon, the Civil Government of the Island, or its political affairs;—but the perils to which the best interests of the Colony are now exposed, and which threaten with ruin its trade and prosperity, compel Your Petitioners to depart from their accustomed course, and with the unanimous and express concurrence of the Society at large, to lay before Your Royal Council, with earnest entreaties for relief, the almost intolerable wrongs they endure.

May it Please Your Majesty:

We do not arrogate too much for Newfoundland, when we assert that the immense importance of its Commerce to the Mother Country—its situation, so nearly approximating to the continent of America—and the invaluable and almost inexhaustible resources which its hardy sons afford to Your Majesty's Navy, claim from Your Majesty a ready sympathy for its wrongs, and a speedy redress of them.

The value of the annual imports into St. John's alone, amounts to from Four to Five Hundred Thousand Pounds sterling; the largest portion of which is for the manufactured goods of Great Britain. The Trade and Fisheries give employment to a numerous body of hardy and expert seamen, competent and ready at a moment's warning, to man the Fleets of Great Britain; and at the Custom House of this Port alone, nearly

eight hundred vessels, exceeding on an average 100 tons burthen each, annually clear.

The soil of the country, though capable of cultivation to an extent which renders its produce a valuable auxiliary to the fisheries, is, and ever must be, incapable of supporting even the number of its present inhabitants. Upon its Trade, therefore, and upon it alone, does the very existence of the Colony, and its value to the Crown of Great Britain, depend. And when we assure Your Majesty that the interest of the Merchant and Fisherman are so inseparably interwoven as to amount almost to identity—that nothing can occur to damnify the one without entailing ruin on the other, Your Majesty will consider what weight is due to the representations of Your Petitioners, upon a subject which so deeply involves their own prosperity and that of the whole Colony.

In this Country there are not, as there are in most others, any persons of education residing unconnected with business, and none therefore from whom a large sacrifice of time for the public good can reasonably be expected,—nor do many in the lower grades of life settle here for the purposes of agriculture,—its population, therefore, with the exception of the learned professions, consists entirely of the Merchant possessing capital and the means of giving employment to the fisherman—and the Fisherman, whose wealth consists in his labour—who is not attached to the soil by any tie of family or possessions—and who is prepared to migrate to the United States of America upon the first symptoms of a depression in the Trade, or upon the first suggestions of caprice:

the exception of the Native Inhabitants, though highly honourable to them, is not sufficiently important to affect the general principle.

The influx of immigration to this Country, has of late years, been chiefly from the Southern and Western parts of Ireland, and has supplied a population of Roman Catholics—peaceable and well-disposed when left to themselves—but for the most part uneducated and bigoted, and consequently as completely under the dominion of their Priests—no less in their temporal than in their spiritual affairs—as if they were so many automata.

To a Population so composed, a Colonial Legislature was accorded by Your Majesty's revered Predecessor, in 1832.

By that Constitution the only qualification prescribed for a Member of the House of Assembly was the occupancy of a Tenement of any description for two years—and that required for the Elector, the occupancy of a similar Tenement for one year. It was feared that with such a franchise—in a society constituted as that of Newfoundland is—the whole Representative power would centre in the Roman Catholic Clergy, and that individuals unfavourable to the good of the Colony would be selected by them to fill the Seats in the Assembly.—The worst fears which the most timorous entertained have been more than realised.

The Roman Catholic Clergy, quickly perceiving how useful an engine the House of Assembly might be made for their purposes, lost no time in adopting a line of proceeding calculated to secure

the return of a majority of Members of their own nomination. Previous to the Election, the Candidates whom they desire to see returned are named by the Priests, or publicly patronized by them; all of their own persuasion who refuse to vote for their nominees, are denounced in the Chapel as persons opposed to the authority of their Church, and hostile to their Priests—the Congregations are warned not to deal or hold any intercourse with them—they are branded with contumelious epithets, even by the Priests from the very altar, and with blasphemous maledictions are held out to public detestation; those offices of their Church which are regarded by them as most sacred, are refused them—the very Dead are denied Christian burial, when the deceased, or even a member of his family, had been what they designate “a mad dog.” By these and such like means, the Roman Catholic Priesthood have succeeded in completely monopolizing the representation of the Country; and, of consequence, the Members of the present House of Assembly, with only one or two exceptions, are persons possessing but little property, hardly any education, and no standing in Society, and were selected solely because they would be passive tools in the hands of the Priesthood. Nor is it the least mischievous part of this baneful system, that, although in a few of the Districts the power of the Priesthood is not so omnipotent as to prevent the return of respectable men, no person possessing the education and the feelings of a gentleman, will enter the Assembly to be associated with the individuals he would there meet.

And here we intreat Your Majesty to observe that the evils we complain of are not speculative

—they have all occurred. We speak from bitter experience, and in proof of every statement we have now made, voluminous evidence has been transmitted to the Office of Your Majesty's Secretary of State for the Colonial Department.

In whatever dependency of Your Majesty's dominions English Law is faithfully administered, there will protection to the lives and properties of Your Majesty's subjects be surely attained; and although evils may exist in its Government, and as large a portion of happiness may not be enjoyed by its inhabitants as under an improved system of policy might reasonably be expected, still the ark of British Justice will float amidst the troubled waters of discord, and afford a safe and certain refuge in the hour of need. The preservation therefore of the administration of justice from all pollution and contempt, is the object nearest the hearts of those who wish well to their Country, for neither life nor property can be secure, nor the Government held in respect, where the Judges are men who would be capable of tampering with law for the purpose either of conciliating the Crown, or of pandering to the passions of the people. In Newfoundland, however, the systematic exertions of the House of Assembly for the last few years have been unintermittingly directed to pollute the fountain and obstruct the free course of justice throughout the Colony. Not content with persecuting by slanders and false accusations those Judges and public officers whose impartiality and vigour rendered them formidable opponents to oppression and outrage—and finally succeeding by a system of falsehood seldom equalled and

never surpassed, in getting removed from the Bench a most admirable and experienced Chief Justice—they have brought the whole weight of their influence to bear upon the Magistracy and police force of the Island. They have interfered with the duties of the Executive by appropriating to individuals, by name, the most trifling Salaries—depriving one Constable altogether of his stipend—lessening that of another—increasing that of a third—and this, too, without any complaint being made against the sufferer, or any recommendation in favour of the one benefited, but solely and notoriously because the individuals affected by their votes were either opposed or favourable to the Members of the Assembly at their election, or did or did not approve of their subsequent conduct. However contemptible such conduct may appear, the evil effects of it are daily felt more extensively and seriously than we can describe. The peace officers, who are poor and mainly depending for subsistence on their salaries, are naturally deterred from independently doing their duty; and we fear the evil is not confined to these, the lower functionaries.

We feel confidently assured that the same spirit actuates Your Majesty which influenced one of Your Majesty's most glorious and beloved Predecessors, and which drew from him the celebrated declaration, "that he looked upon the independence and uprightness of the Judges as essential to the impartial administration of Justice—as one of the best securities of the rights and liberties of his subjects—and as most conducive to the honour of the Crown;" and we doubt not the same principles are equally applicable to the minor departments of Justice,

We most earnestly adjure Your Majesty not to believe that these our representations are the emanations of Party spirit—there are no legal distinctions affecting any class of Your Majesty's subjects here; there is only that difference which should, and we hope ever will, exist where the cause does, between those who desire to see peace and happiness prevail—to have their lives and properties shielded by the power of the Law; and those who seek to paralyze that Law, and to arrogate to themselves a power superior to it. Amongst the latter class must the House of Assembly be ranked; and their acts within the last few months manifest how unquestionable is their title to the distinction.

In August last, a private quarrel occurred in the public streets of St. John's, between a respectable medical Gentleman and a Member of the House of Assembly; the dispute had no reference whatever to the proceedings of that body.

The Medical Gentleman was, however, without being permitted to deny the charge, or to offer evidence in his defence, voted guilty of having committed a Breach of Privileges, and was instantly committed by the Assembly to prison, and kept in close custody for four days. Upon his being brought before one of Your Majesty's Judges of the Supreme Court, on a writ of *Habeas Corpus*, he was discharged: his imprisonment being adjudged illegal, and a gross infraction on the liberty of the subject.

The order for the discharge of the Prisoner was directed to the High Sheriff, whose duty it is to

obey the mandates of the Judges ; and it was, in the usual course of business, carried into effect.

Immediately upon the release of their victim being made known, the Assembly hesitated not to outrage the Bench of Justice itself; and having sent a number of their retainers, they arrested the venerable Judge who had thus incurred their displeasure, and, with brutal violence, literally dragged him from his Chambers where he was engaged with counsel. This excellent man, and the respected High Sheriff of the Island, were, in the face of day, paraded through the public streets like common malefactors, were committed to close custody, and were confined upwards of two days, until the Governor, by proroguing the Legislature, obtained their release. Well did Your Majesty's Privy Council express their marked disapprobation of the conduct of the Assembly, upon the former occasion of their shewing wilful disrespect to the Judges of the land, and endeavouring to bring the Law and its Administrators into contempt !

Had Your Majesty's Petitioners, and other orderly and respectable persons, obeyed the dictates of their indignant feelings, and by the prompt interposition of physical force, vindicated the respect due to the Bench and the liberty of Your Majesty's subjects, little surprise could have been excited, and no blame could have been attached to them ; but, desirous of setting an example of forbearance, and of shewing our reliance upon Your Majesty and Your Government, to procure us ample redress, we repressed our indignation, and now appeal to Your Gracious Majesty for the abatement of those grievances

which none possessing the feelings of men can tolerate.

On the occasion of the election of Members to serve in the first House of Assembly, the system of oppression and intimidation, which has lately been in full exercise here, had not been organised, and several competent gentlemen were returned. During the existence of that House, the Colony was preserved free from debt—the public service was better performed than it has been since, and a few hundred pounds were all that were required to defray the salaries of their officers, and all their expenses. Now, the Colony is considerably in debt; in every Session Acts are passed adding to that debt,—and yet the contingencies of the House of Assembly annually increase, and this year have engrossed no less than one-sixth of the entire net local Revenue of the Colony!! Surely it is too much to ask any man to bear that fifteen individuals shall commit all descriptions of evils and outrages upon the community, and be allowed, whilst so engaged, to help themselves as extravagantly as they please out of the funds of the Colony, and support themselves, their families, and friends, at the public expense!

To the Inhabitants of this Island, in general, the stigma of disloyalty cannot, with truth, attach; they have, as a body, ever been most true to their Sovereign, and obedient to the Laws, (and if uncorrupted will, we have no doubt, so continue). It remained for its House of Assembly to produce, and by its countenance to foster, the first symptoms of disaffection amongst its people.

Some of the most active propagators of those principles which have led to the defilement of the

fair face of Your Majesty's neighbouring Provinces, by the detestable crime of Rebellion—cruel, unprovoked, Rebellion—have been in open correspondence with some of the leading members of our House of Assembly; this correspondence was disseminated throughout the Country by means of a Newspaper of this town, publicly acknowledged to be the organ of the Priests' Party, and the Editor and Printer of which is the favoured servant of the said Assembly.

Even after the sanguinary outbreak in Canada had taken place—whilst its plains were still reeking with the blood of Your Majesty's faithful and murdered subjects there—a fervent prayer was offered up through the columns of the same Newspaper, to the God of Battles, solemnly invoking His aid to the Rebel cause !!!

On behalf of ourselves, and the people of Newfoundland in general, we abjure such infamous and disloyal sentiments and proceedings, and profess ourselves ready to shed, were it necessary, our best blood in defence of Your Majesty's Gracious Person and Throne. But if such a body as the House of Assembly of Newfoundland, as at present constituted, be suffered to continue amongst us, we cannot say how long the good principles of Your Majesty's faithful subjects here may remain proof against the contaminating influence of its example.

Your Petitioners have anxiously watched the course of public events for the last few years; they have sought to discover if there is any pretence for believing, or hoping, that the evils they have witnessed and described, are imputable

rather to the abuse of a good system, than to the natural operations of the system itself; and that public opinion would, at future elections, vindicate itself, and by an expression of unequivocal indignation, mark its reprobation of the conduct of the present House; but we solemnly assure Your Majesty of our matured and fixed conviction—a conviction equally entertained by nineteen-twentieths of all in the Colony who are capable of judging—that no conduct of the members of the Assembly, however unprincipled and atrocious—not even such as we have recently witnessed—would render their return again a matter of the least doubt; and that with a population such as ours, nothing but an immediate and total abrogation of the present Colonial Legislature can restore peace to the Colony, and prosperity to its Trade.

Before a general Assembly was conferred upon Newfoundland, its Commerce flourished—its inhabitants were united and happy—no political adventurers sought refuge on its shores, and support from unrighteous agitation; nor were British feeling and justice outraged by acts of Eastern Tyranny. With the laws fairly administered, and the Local Government desirous to do right, and not to be intimidated from doing it, the affairs of the Colony prospered; but in an evil hour a Representative Government was granted to it, simply because the want of *some* power to make local Regulations was felt—although that want could have been well supplied by an extended Council selected by the Crown and aiding the Governor. A miniature imitation of the British Parliament was inflicted upon us, and an elective franchise conferred upon a people, the mass of whom felt

no interest in the enjoyment of it, and possessed not the necessary intelligence to exercise it aright.

If any additional proof were necessary to convince Your Majesty of the inability of the majority of the Roman Catholics here to exercise political power independently, we need only state the fact which the experience of more than one occasion warrants us in asserting, that if it were thought practicable to shake the credit of this or of any other Petition, by a contradiction of every fact contained in it, the Priests could obtain, in the course of a few hours, some thousands of signatures, to be used as occasion might require,—attach them afterwards to such a document as they might prepare to support their statements by oaths—and send them forth to the world as the deliberate opinions of its subscribers. Already has the value of property been depreciated in this country—the rate of insurance on it has been increased—its safety is becoming more insecure—and if the present system be continued, those who have the ability and means of benefiting the Colony by their presence and fortunes, will seek a home in some other Country, the Government of which will be more congenial to the tastes and habits of Englishmen.

In desiring to get rid of our present unsuitable form of Government, we do not wish to avoid the payment of such taxes as may be necessary to defray the civil expenditure of the Colony—we are willing that the same amount of taxation which at present exists be continued, and the proceeds thereof be appropriated to the purposes of supporting its Civil Institutions, and to

the general improvement of the Country ; but we do not desire, nor can we patiently endure, that Persons who have no property in the Country, and who contribute nothing to its Revenues, shall exercise unlimited power over, and rule with a rod of iron, those who do possess property, and who mainly contribute to the support of its Government.

We do therefore most earnestly intreat Your Gracious Majesty, as you value the peace and prosperity of this Your Majesty's oldest Dependency, and the happiness of your loyal Subjects therein, that Your Majesty will be graciously pleased to use your Royal influence in procuring an immediate abolition of our present Colonial Legislature, and conferring upon the Governor, and an enlarged Council, to be appointed by Your Majesty, the power of enacting such Laws and Ordinances as may be necessary for the good government of the Colony, in such a manner, and under such restrictions as to Your Majesty's wisdom may seem meet.

And Your Majesty's Petitioners, as in duty bound, will ever pray.